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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,836	01/07/2002	Marshall O. Townsend II	GLFP-1-1001	4549

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Lawrence D. Graham, Esq.
BLACK LOWE & GRAHAM PLLC
816 Second Avenue
Seattle, WA 98104

EXAMINER

LEGESSE, NINI F

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 07/16/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/041,836

Applicant(s)

TOWNSEND, MARSHALL O.

Examiner

Nini F. Legesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 6, 10, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Molinar (US Patent No. 2,652,251).

Molinar discloses:

- A template having a top and a bottom (Fig. 1);
- A graphic design depicting a plurality of golf swing training indicators attached to the template (Fig. 1);
- Club path indicator (Fig. 1);
- A club face angle indicator including at least one of an open club face, closed club face or a square club face indicator (16);
- A handle (the cavity between the arched section and the vertical section shown in Fig. 1 can be considered a handle);
- A tee bore (5);
- Foot position indicator (11) and ball position indicator (5, 6); and
- A primary club path, inside-out club bath, outside-in club path or take away club path indicator (Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Molinar in view of Florian (US Patent No. 6,156,396) and Laffer et al. (US Patent No. 5,954,592). With respect to claim 2, Molinar fails to state that the training device is made of plastic. However both Florian (column 1, line 60) and Laffer et al. (column 3, line 14) disclose that the training devices are made of plastic. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a plastic training device because plastic is durable and much cheaper than other materials.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molinar in view of Gibbs et al. (US Patent No. 1,484,390).

Molinar fails to disclose a swing reference guide that includes an indicator associated with a club path and a clubface. However, Gibbs et al. disclose a swing reference guide that includes an indicator associated with a club path and a clubface (For example, refer to Figs. 1-6, column 1, lines 38-52, column 2, lines 95-104, column 3, lines 1-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made

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to provide a reference guides as taught by Gibbs et al. in the Molinar device in order to provide a training device that is easy to use.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Molinar in view of Beatty (US Patent No. 5,415,407) and Long (US Patent No. 5,273,285).

Molinar fails to include an ultraviolet protective layer. However, both Beatty (refer to claim 6) and Long (refer to column 3, lines 65-68) disclose an ultraviolet protective layer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an ultraviolet protective layer as taught by both Beatty and Long in the Molinar device in order to prolong the life of the device by protecting it from sun damage.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Molinar in view of Manley (US Patent No. 2,707,638).

Molinar fails to disclose a generally longitudinal tee slot. However, Manley discloses a longitudinal tee slot (23, 24 & refer to Figs. 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a longitudinal tee slot as taught by Manley in the Molinar device in order to provide clearance for the putter as stated in column 3, lines 10-16.

Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 7 & 8 above, and further in view of Laffer et al.

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Molinar discloses the invention as recited above including a means for holding a golf ball (6), an open club face indicator, square club face indicator, closed club face indicator, a ball path selection section, a club path selection section, a club face selection section, foot locator and the graphic design is attached to the top surface of the template (refer to Fig. 1). However he fails to disclose a swing reference guide, inside-out path, an outside-in path and a hand locator. However, Gibbs et al. disclose a swing reference guide (figs. 1-6) comprising a hand locator (refer to the middle sections of Figs. 1-6). Laffer et al. disclose an inside-out path (refer to Fig. 3) and an outside-in path (refer to Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide swing reference guide, hand locator, inside-out & outside-in paths locators as taught by Gibbs et al. and Laffer et al. in the Molinar device in order to help facilitate and expedite a quick understanding of the fundamental of the golf game by any player.

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 7-20 above, and further in view of Florian (US Patent No. 6,156,396).

The above references disclose the invention as recited above but fail to include that the graphic design is laminated, that the graphic design is attached to a bottom surface of the template and the

With respect to the device being laminated, Florian discloses that the device is laminated (column 2, lines 1-5). It would have been obvious to one of ordinary skill in

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the art at the time the invention was made to laminate the device in order to provide an anti-friction layer that is durable.

With respect to the graphic design being attached to a bottom surface of the template, it would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the graphic design any where including on top surface or bottom surface. If the device is clear plastic it will not matter where the design is located because the design can be seen through regardless of its location, and it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

With respect to the method steps of claims 23 and 24, they appear to be directed to the obvious method of using the above references used.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (703) 605-1233. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7768.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Paul T. Sewell
Supervisory Patent Examiner
Group 3700